

**REMARKS**

Claims 1 - 11 were previously pending. Claims 12 and 13 are herein added.

Accordingly, claims 1 – 13 are presently pending.

**I. 35 U.S.C. § 112 Rejections**

Claims 1, 6, 7, and 11 are herein amended, obviating the noted § 112 rejections.

Claim 1 is herein amended to correct for an antecedent basis issue.

With respect to claim 6 (and claim 7, which includes the features of claim 6 by virtue of its dependency) it is clear from the plain language of the claim that the recited features are part of the claimed invention.

As to claim 11, it is clear from the plain language of the claim that the structure (a computer-readable medium and code written to the medium) causes a computer to perform certain functions as recited (the functions of claim 8, for example). The Examiner's attention is kindly drawn to M.P.E.P. § 2173.05(g), which holds that "[f]unctional language does not, in and of itself, render a claim improper."

In view of the previous, the Examiner is respectfully requested to reconsider and withdraw these rejections.

**II. 35 U.S.C. § 102 Rejections**

Claims 8 – 11 are rejected under 35 U.S.C. § 102 as allegedly being anticipated by US 5,506,884 to Rao. This rejection is respectfully traversed.

Independent claim 8 recites "coding a control signal." An example of Applicant's invention coding a control signal is provided at page 8 of Applicant's specification,

approximately lines 18 – 22, wherein a personal computer is used to provide control data to control information input terminal 130 that is encoded using a protocol transformation. The Examiner compares Rao's application inputs 201-1 to 201-L and 301-1 to 301-L to Applicant's claim 8 including the features of "coding an audio signal; coding an image signal; [and] coding a control signal. . ." This comparison is inapposite, as explained below.

Rao's application inputs 201-1 to 201-L and 301-1 to 301-L are merely video and/or audio applications. Rao's column one, approximately lines 46 – 48, recites that "[a]pplications 201-1 to 201-L [and corresponding inputs 301-1 to 301-L] can be from a variety of signal sources, e.g., video, audio, etc." However, none of the application inputs are control signals, and the Rao reference therefore fails to teach or suggest that a control signal is multiplexed with both of an audio and an image signal, as recited by Applicant's claim 8.

Additionally, claim 8 also recites that the multiplexed data (comprising audio, video and control signals) is transmitted through control of the amount of image data obtained by coding the image signal and through comparison of said amount of image signal obtained to predetermined coded data comprising said coded audio and/or coded control signal(s) before or after said multiplexing.

Because the above-noted features are absent from the Rao reference, the reference is deficient. The Examiner is therefore respectfully requested to reconsider and withdraw this rejection. Furthermore, Applicant asserts that claims 9 – 11 are patentable at least because these claims depend from independent claim 8 and thereby incorporate all of the features of claim 8.

### III. 35 U.S.C. § 103 Rejections

Claims 1 – 7 are rejected under 35 U.S.C. § 103 as allegedly being obvious in view of Applicant's specification (Background of the Invention and Figures 5 and 6) in combination with Rao. This rejection is respectfully traversed as explained below.

Applicant's discussion of the Background of the Invention is deficient in teaching or suggesting an output code amount controller that generates a control signal for controlling an amount of output data of said image signal coding unit on the basis of the output of said multiplexer through notification of said image signal coding unit with said generated control signal, as recited by Applicant's claim 1. The Rao reference fails to cure these deficiencies.

While the Examiner cites Applicant's figure 5 and Rao's figures 1 and 2; and Rao's column 1, lines 50 – 60; column 2, lines 24 – 47; and column 6, lines 15 – 47, as teaching or suggesting the above-noted features of Applicant's claim 1, Applicant asserts that the Examiner's combined citations fail to teach or suggest an output of a multiplexer being used to control the amount of data produced at an image signal coding unit.

As shown in Applicant's figure 5, the output code amount control circuit 550 is merely controlled by coded image data buffer 522. This system of control is also used by Rao, in that a "controller (not shown) manages rate control of the compression to prevent buffer 205-1 from overflowing and underflowing." *See* Rao at column 1, approximately lines 56 – 58. In brief, the prior art merely controls the coded image data output by ensuring the data buffer does not overflow or underflow. In contrast, Applicant's claim 1 controls an amount of output data of the

image signal coding unit on the basis of the output of the multiplexer through notification of the image signal coding unit with a generated control signal.

Because the prior art is deficient in teaching or suggesting the previous, the Examiner is respectfully requested to reconsider and withdraw this rejection. Furthermore, Applicant asserts the patentability of claims 2 – 7 at least by virtue of their dependency on claim 1.

**IV. New Claims 12 - 13**

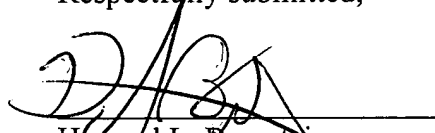
New claims 12 – 13 are asserted as patentable at least by virtue of their dependency upon independent claim 8.

**V. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
Howard L. Bernstein  
Registration No. 25,665

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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